

INTRODUCTION

State law (5 MRSA § 3305 et al.) assigns the State Planning Office four core duties to:

- 1) conduct continuing economic analysis, including economic forecasting.
- 2) coordinate the development of the State's economy and energy resources with the conservation of its natural resources;
- 3) provide technical assistance to local and regional planning groups; and
- 4) assist the Governor and Legislature by undertaking special studies and plans and preparing policy alternatives;

These duties are detailed in a chart following this introduction.

Underlying these duties are three principles that SPO uses to guide its decisions in carrying out its statutory responsibilities:

The Need for Independent Analyses

The Governor and Legislature need objective data and a long-term view of state issues unencumbered by the biases that are built into individual programs or departmental missions. Recognition of this need was one of the reasons SPO was established in 1968 as an agency of the Executive Department, apart from program-driven departments. It was why the State's economic forecasting was placed here in the early 1970s, the responsibility for coastal zone management in 1978, and energy planning and policy in 1989.

Over time, the Legislature has placed programs (or remnants of programs) with specific missions within the office (e.g., waste management & recycling, community planning and investment, flood plain management, community service). These all are relevant to and integrated into the larger mission of the office. Notwithstanding its specific programmatic duties, it is important that the office remain sufficiently detached from any one program or set of programs so that it can continue to be the source of objective, long-range analyses and information.

The Mandate to Coordinate Multi-agency Policies

Coordination among multiple agencies, with at times conflicting statutory mandates, is a central feature of SPO's statutory duties. This complements SPO's role within the Executive Department as provider of independent information for state policy-makers.

SPO carries out this role largely through a coordinated, distributive approach. This means minimizing the number of staff within SPO by drawing upon the resources of (and helping to fund) the work of multiple agencies to execute a variety of large-scale policy initiatives. These include, for example:

- Maine Coastal Program (housed at SPO but involving several state, regional, and local agencies);

- Land and Water Resources Council (housed at and minimally staffed by SPO but drawing upon the resources of member agencies as interagency issues arise);
- Revenue Forecasting Committee (chaired by SPO's State Economist but drawing upon the work of sister agencies as well);
- Maine Commission on Community Service (where a very small staff leverages support for a wide-ranging network); and
- Land for Maine's Future Program (staffed and chaired by SPO, but requiring the staff efforts of four sister natural resource agencies to work).

Thus, SPO places a premium on leveraging partnerships and resources rather than building large program staffs within the office. While this approach is necessary and desirable given the efficiencies it provides, it also limits what SPO can accomplish alone. If the distributed network through which SPO manages its policy work breaks down, and it occasionally does, the responsibility can recoil back on the office's small staff.

The Need to Manage Federal Opportunities

Fully one-half (50%) of the financial support for SPO comes from Federal sources. This is the result of the State's success in tapping into federally funded programs important to the state, such as:

- Coastal Zone Management Program (which funds much of the administration of the state's "core" environmental laws);
- National Flood Insurance Program (which protects homeowners from losses due to flooding); and
- National Service Corporation (which strengthens communities through volunteerism).

These programs have been in place for many years, the services they provide have proven popular with an expectation that they will be consistently available, and demand for them has grown. The State now relies on their federal dollars to fund activities that otherwise would be financed, and some cases once were, out of the General Fund. However, the history of these federal programs is one of flat-funding. Thus, SPO constantly faces meeting growing demands with what amounts to reduced real dollars.

SPO'S FOUR CORE DUTIES

Mission: provide the information and analyses decision-makers need to make decisions about Maine's economy, resources, and governance.

The mission is derived from our enabling statutes (5 MRSA § 3305 et al.) that direct SPO to carry out four primary duties:

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| <p>1. <u>Forecast Economic Conditions:</u> Conduct continuing economic analysis, including economic forecasting.</p> <p>To accomplish this SPO tracks major economic indicators and trends, analyzes their implications, develops economic forecasts, and conducts economic impact studies. SPO chairs the State Revenue Forecasting Committee, staffs the Consensus Economic Forecasting Commission, and manages the State's Census Data Center.</p> <p>For example, SPO:</p> <ul style="list-style-type: none"> • develops long- and short-term economic forecasts for the state • maintains a graphical database of 80+ economic indicators (known as MaineGraph) • produces the <u>Maine Economy: Year-end Review and Outlook</u> • produces quarterly reports of retail sales • collects and distributes census data • researches policy options for the Legislature such as tax policy options for the Taxation Committee • tracks poverty indicators in Maine • analyzes the economic impacts of major policy proposals such as proposals for an east-west highway and to ban clearcutting • conducts a seasonal, weekly oil price survey | <p>2. <u>Balance Conservation and Development:</u> Coordinate the development of the State's economy and energy resources with the conservation of its natural resources.</p> <p>To accomplish this SPO administers the Land for Maine's Future Program, the Maine Coastal Program, and the state's energy planning responsibilities. Through the Cabinet-level Land and Water Resources Council, it advises the Governor and Legislature on policies that affect the natural environment and provides a venue for resolving conflicts between agencies promoting the development of and those promoting the protection of natural resources.</p> <p>For example, SPO:</p> <ul style="list-style-type: none"> • negotiated the Edwards Dam settlement • negotiated water use plans to simultaneously protect salmon habitat and support agricultural irrigation needs • documented nearly 100 state-owned conservation easements for ongoing monitoring • develops the State's Coastal Management Plan • helped create the first-in-the-nation coastal ocean observing system • helped set policy for expansion of cranberry production within limits of wetlands protection • developed an education strategy to protect Maine's public drinking water • developed policy options to control the emissions of greenhouse gases • identified the energy conservation measures to be financed by electricity wire charges • coordinates state reviews of hydropower licenses before the Federal Energy Regulatory Commission • monitors the legal and policy aspects of decommissioning Maine Yankee |
| <p>3. <u>Provide Planning Assistance to Towns and Regions:</u> Provide technical assistance to local and regional planning groups.</p> <p>To accomplish this, SPO administers the Community Planning and Investment Program, the Smart Growth Initiative, the Code Enforcement & Certification Program, the Floodplain Management Program, and the Waste Management & Recycling Program. SPO also houses and provides administrative support to the independent Maine Commission on Community Service.</p> <p>For example, SPO:</p> <ul style="list-style-type: none"> • provides grants to municipalities to develop comprehensive plans and land use ordinances • works with towns to revive urban and rural service centers and prevent sprawl • trains and certify local code enforcement officers and plumbing inspectors • assists towns, contractors, and homeowners with reducing the risk of flooding • helps towns meet statewide goals for recycling • develops a statewide program to manage universal and household hazardous wastes • administers the national community service programs including AmeriCorps, Learn & Serve America, and the National Senior Service Corps | <p>4. <u>Assist State Government:</u> Provide technical assistance to the Governor and Legislature by undertaking special studies and plans and preparing policy alternatives.</p> <p>To accomplish this SPO prepares reports and manages projects at the direction of the Governor and Legislature.</p> <p>For example, SPO:</p> <ul style="list-style-type: none"> • coordinates the Administration's capital improvements bond package for submission to the Legislature • assists with implementing the State's performance budgeting requirements • developed a statewide R&D strategy to boost per capita incomes in Maine • developed recommendations to support Maine's fishing, farming, and forestry industries • developed a strategy to promote Maine as a retirement destination • advised the Governor and the Legislature's Utilities and Energy Committee on energy deregulation • formulated and helped negotiate the Administration's position on alternative rate structure in the telecommunications industry |

ENABLING LEGISLATION

CHAPTER 311

STATE PLANNING (HEADING: PL 1967, c. 533, §1 (new))

5 § 3301. Title

This chapter shall be known and may be cited as the "Maine State Planning Act." [1967, c. 533, § 1 (new).]

Section History: 1967, c. 533, § 1 (NEW).

5 § 3302. Definitions

The following terms shall have the following meanings, unless a different meaning is plainly required by the context: [1967, c. 533, § 1 (new).]

1. Comprehensive planning. "Comprehensive planning" includes, but is not limited to:

- A. Preparation of strategic and long-range plans and goals for human and physical resources development and utilization, but does not include preparation of an economic development strategy pursuant to chapter 383; [1987, c. 534, Pt. A, § 7,19 (rpr).]
- B. Standards and procedures for programming and financing plans for capital improvements; [1987, c. 534, Pt. A, § 7,19 (rpr).]
- C. Coordination of related departmental plans; [1987, c. 534, Pt. A, § 7,19 (rpr).]
- D. Intergovernmental coordination of related planning activities; [1987, c. 534, Pt. A, § 7,19 (rpr).]
- E. Preparation of regulatory and administrative measures in support of paragraphs A to D; and [1987, c. 534, Pt. A, § 7,19 (rpr).]
- F. Continuing analysis of the economy of the State in conjunction with the Department of Economic and Community Development; and [1989, c. 501, Pt. DD, §3 (amd).]
- G. Preparation of state energy resources plans. [1989, c. 501, Pt. DD, §4 (new).]

[1989, c. 501, Pt. DD, §§3, 4 (amd).]

2. Council. 1977, c. 78, § 20 (rp).

3. Director. "Director" means the State Planning Director. [1967, c. 533, § 1 (new).]

4. Office. "Office" means the State Planning Office as provided in section 3303. [1967, c. 533, § 1 (new).]

Section History: 1977, c. 78, § 20,72 (AMD). 1967, c. 533, § 1 (NEW). 1987, c. 534, § A7,A19 (AMD). 1989, c. 501, § DD3,DD4 (AMD).

5 § 3303. State Planning Office

There is established to carry out the purpose of this chapter a State Planning Office in the Executive Department, which is concerned with research, analysis and the formulation, coordination and management of policy. The State Planning Office is directly responsible to the Governor and serves as an advisory, consultative, coordinating, administrative and research agency as specified in section 3305. The State Planning Office assists the Governor and other state agencies in the development of economic, energy, fiscal and regulatory policy; planning and policy development for the State's natural and physical resources; the identification of issues and problems of long-term significance to the State; and the coordination of state policy

and its implementation on issues of interagency concern. [1991, c. 837, Pt. A, §10 (amd).] Section History: 1967, c. 533, § 1 (NEW). 1989, c. 501, § DD5 (AMD). 1991, c. 837, § A10 (AMD).

5 § 3304. State Planning Director

1. Director. The executive head of the State Planning Office is the director and is appointed by the Governor to serve at the pleasure of the Governor. [1999, c. 415, §2 (amd).]

2. Qualifications. The director shall be qualified by education, training and experience in planning or public administration. [1989, c. 501, Pt. DD, §6 (amd).]

3. Powers and duties. The director shall exercise the powers of the State Planning Office and shall be responsible for the execution of its duties. The director shall:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees. All other employees shall be subject to those civil service and personnel policies established for state employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies.

(1) The State Planning Director is authorized to employ professional planning personnel competent by education, training and experience in fields such as economics, local and regional planning, public policy and natural resources.

(2) The director is authorized to employ such statistical, clerical and other office help as required and authorized by the budget; [1989, c. 501, Pt. DD, §7 (amd); c. 571, Pt. A, §1 (amd).]

B. Supervise and administer the affairs of the State Planning Office and advise the Governor and the Legislature with respect to matters affecting the State; [1989, c. 501, Pt. DD, §7 (amd).]

C. [1977, c. 78, §§23, 72 (rp).]

D. [1977, c. 78, §§23, 72 (rp).]

E. Advise the Governor and other officials of the State Government on all matters of policy, statewide planning and public investment and consult with them in respect to planning matters and projects which affect the future plans of the State; [1989, c. 501, Pt. DD, §7 (amd).]

F. Be assisted by departments, agencies, authorities, boards, commissions, other instrumentalities of the State or other governmental units in the gathering of information, reports and data which relate to state planning. The State Planning Office shall designate staff members of the office who shall work with the several departments; [1989, c. 501, Pt. DD, §7 (amd).]

G. At the director's discretion, act for the State in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter; [1989, c. 501, Pt. DD, §7 (amd).]

H. Prepare and submit for executive and legislative action thereon the budget for the State Planning Office; [1989, c. 501, Pt. DD, §7 (amd).]

I. Make reports at least annually to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government matters detailing the activities of the office and, after consultation with and approval by the Governor, submit such recommendations for legislative action as determined necessary to further the purposes of this chapter; [1999, c. 415, §3 (amd).]

I-1. Make reports annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters detailing the activities of the office regarding land issues and, after consultation with and approval of the Governor, submit recommendations for legislative action as determined necessary to further the purposes of this chapter; [1999, c. 415, §4 (new).]

J. Be assisted by departments, agencies, authorities, boards, commissions and other instrumentalities of State Government in the gathering of information, reports and data which relate to state planning and development in the area of energy resources; [1989, c. 501, Pt. DD, §7 (new).]

K. Formulate a biennial state energy resources plan; [1989, c. 501, Pt. DD, §7 (new).]

L. Be empowered, in connection with the performance of duties, to apply to the Superior Court for a subpoena to compel the attendance of witnesses, the production of books, papers, records and documents of individuals, firms, associations and corporations and all officers, boards, commissions and departments of State Government. The court, before issuing the subpoena, shall provide adequate opportunity for the director and the party against whom the subpoena is requested to be heard. No such subpoena may be issued unless the court or judge certifies that the attendance of the witness or the production of the books, papers, records or documents is reasonably necessary to carry out the purposes of this section and that the director has made reasonable efforts to secure the attendance or the books, papers, records or documents without recourse to compulsory process. The director shall afford confidential treatment to any materials or information turned over to the director which is of a confidential or proprietary nature; [1989, c. 501, Pt. DD, §7 (new).]

M. Administer any emergency fuel allocation program described in section 3307-D and have the authority to collect inventory and product delivery data from the State's primary storage facilities of petroleum products, as described in section 3307-C, and shall afford confidential treatment to that information; and [1989, c. 501, Pt. DD, §7 (new).]

N. Oversee the implementation of any energy programs assigned to the State Planning Office under this chapter. [1989, c. 501, Pt. DD, §7 (new).] [1999, c. 415, §§3, 4 (amd).]

Section History: 1975, c. 481, § 1 (AMD). 1977, c. 674, § 7 (AMD). 1977, c. 78, § 21-24 (AMD). 1989, c. 501, § DD6, DD7 (AMD). 1967, c. 533, § 1 (NEW). 1973, c. 679 (AMD). 1979, c. 127, § 36 (AMD). 1989, c. 571, § A1 (AMD). 1999, c. 415, § 2-4 (AMD).

5 § 3305. State Planning Office

1. Powers and duties. The State Planning Office shall:

A. Coordinate the preparation of policies to guide and carry forward the wise and coordinated development of the State's economy and its energy resources and the conservation of the State's natural resources. These policies and recommendations for implementation shall be submitted to the Governor and Legislature for their approval. They shall be developed in such areas as: Land use, natural resource development and conservation, public investment and taxation, energy resources and state regulatory policy.

The State Planning Office shall give the public full opportunity to participate in the formulation of these policies and these policies shall not be in direct conflict with adopted local and regional plans; [1989, c. 501, Pt. DD, §8 (amd).]

B. Provide technical assistance to the Governor and Legislature by undertaking special studies and plans, preparing or analyzing policy alternatives and identifying the immediate and long-range needs and resources to meet these needs in the areas of energy and natural resources and socioeconomics. The office shall prepare the plans and studies at the request of the Governor, the Legislature or interdepartmental committees, councils and task forces; [1989, c. 501, Pt. DD, §9 (amd).]

C. Conduct, in conjunction with the Department of Economic and Community Development, continuing economic analysis of the economy and resources of the State, including economic forecasting, and collect and collate all pertinent data and statistics relating thereto and assist the Governor, the Legislature and the various state departments in formulating economic goals and programs and policies to achieve such goals. These data and statistics, including census information, shall be made available to the Legislature upon request.

(1) All state agencies shall cooperate with the State Planning Office with respect to the provisions of this paragraph.

(2) In implementing this paragraph, the State Planning Office may use secondary data made available to the office by other state agencies or other organizations; [1989, c. 501, Pt. P, §18 (amd).]

D. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal. The office shall make available to municipalities and regional planning agencies existing information from state agencies to be used in the development of comprehensive plans and land use ordinances. The director shall oversee delivery of technical assistance and resources to municipalities for the purpose of flood plain management activities and enhancing and expanding parks, open spaces and recreational opportunities as a part of comprehensive community development. Within available resources, the director shall provide technical assistance to municipalities and regional planning organizations in the development and implementation of local comprehensive land use plans; [1995, c. 395, Pt. D, §1 (amd).]

E. Participate with other states or subdivisions thereof in interstate planning, and assist cities, towns, municipal corporations, counties and regional councils to participate with other states or their subdivisions in planning; [1985, c. 765, §2 (amd).]

F. At its discretion, assist in planning and executing any public or private project involving grants or loans; advise, confer and otherwise cooperate with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to urban renewal, zoning and planning relating to schools, housing, health, land use controls and other objectives; [1979, c. 127, §37 (rpr).]

G. As coordinating agency:

(1) Act as the coordinating agency between the several officers, authorities, boards, commissions, departments and divisions of the State in matters relative to the physical development of the State and review the proposals of those agencies in the light of their relationship to the adopted policies and incorporate such reviews in the reports of the office. Nothing in this section may be construed as limiting the powers and duties of any officer, authority, board, commission, department or political subdivision of the State; and

(2) Provide general coordination and review of plans in functional areas of State Government as may be necessary for receipt of federal funds; [1989, c. 501, Pt. DD, §10(amd).]

H. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations and shall measure and monitor economic distress and poverty in the State on an ongoing basis. The State Planning Office, in conjunction with the Department of Economic and Community Development, shall study problems peculiar to the industry and economy of this State with a view toward the broader utilization of our natural resources, which studies must be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection, including regular analysis of poverty and economic distress. The State Planning Office shall coordinate its activities pursuant to this paragraph with the Bureau of Child and Family Services to meet the annual reporting needs of the bureau; [1995, c. 625, Pt. A, §6 (rpr).]

I. [1987, c. 534, Pt. A, §§12, 19 (rp).]

J. [1991, c. 528, Pt. E, §7 (rp); Pt. RRR (aff); c. 591, Pt. E, §7 (rp).]

K. [1999, c. 336, §1 (rp).]

L. [1997, c. 393, Pt. B, §3 (rp).]

M. Administer a program of training and financial assistance for municipal code enforcement officers; [1995, c. 625, Pt. A, §9 (rpr).]

N. Coordinate the development of solid waste management policy including:

- (1) Collecting and analyzing solid waste management and recycling data from all available sources including commercial and municipal entities;
- (2) Preparing a solid waste management and recycling plan to be submitted to the Governor and the Legislature by January 1, 1998 and every 5 years thereafter; and
- (3) Providing technical and financial assistance to municipalities in waste reduction and recycling activities; and [1997, c. 393, Pt. B, §4 (amd).]

O. Own, design, develop or operate, or contract with private parties to operate, a solid waste disposal facility, as provided in Title 38, chapter 24, subchapter IV. [1995, c. 625, Pt. A, §10 (new).] [1999, c. 336, §1 (amd).]

2. Administrative responsibilities. A. The State Planning Director is authorized to employ staff as described in section 3304, subsection 3. [1967, c. 533, §1 (new).]

B. The State Planning Office, with the consent of the Governor, may employ such expert and professional consultants, and contract for such research projects, as it deems necessary within the limits of the funds provided and consistent with the powers and duties of the office. [1967, c. 533, §1 (new).]

C. The State Planning Office is authorized and empowered to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter. [1967, c. 533, §1 (new).]

D. Funds from the Federal Government or from any individual, foundation or corporation may be accepted by the State Planning Office and expended for purposes consistent with this chapter. [1967, c. 533, §1 (new).]

The office may prepare and distribute printed and audio-visual materials on matters within its statutory jurisdiction. The director shall fix the prices at which publication of the office shall be sold or delivered. The office shall decide which publications shall be included and shall retain, without charge, an appropriate number of each publication for complimentary distribution. Income from the sale of publications shall be credited to the General Fund. [1985, c. 466 (amd).]

Section History: 1967, c. 533, § 1 (NEW). 1969, c. 382, § 1 (AMD). 1973, c. 721 (AMD). 1975, c. 481, § 2 (AMD). 1979, c. 672, § A4-6 (AMD). 1981, c. 702, § Y,3 (AMD). 1987, c. 534, § A8-A12,A19 (AMD). 1987, c. 816, § P3 (AMD). 1989, c. 104, § C8,C10 (AMD). 1989, c. 6 (AMD). 1989, c. 9, § 2 (AMD). 1991, c. 528, § RRR (AFF). 1991, c. 780, § DDD21 (AMD). 1995, c. 345, § 1-3 (AMD). 1995, c. 465, § B1-3 (AMD). 1995, c. 656, § A1 (AMD). 1999, c. 336, § 1 (AMD). 1973, c. 788, § 25 (AMD). 1979, c. 127, § 37 (AMD). 1983, c. 477, § E,26-1 (AMD). 1985, c. 466 (AMD). 1985, c. 765, § 1,2 (AMD). 1987, c. 737, § C8,C106 (AMD). 1989, c. 501, § DD8-12,P18 (AMD). 1989, c. 502, § A21 (AMD). 1991, c. 528, § E7 (AMD). 1991, c. 591, § E7 (AMD). 1995, c. 395, § D1-4 (AMD). 1995, c. 465, § C2 (AFF). 1995, c. 625, § A6-10 (AMD). 1997, c. 393, § B3,4 (AMD).

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